

## **East Timor *Action* Network**

### **Backgrounder for East Timor's May 20 Independence Day**

Against the odds, East Timor will become the world's newest nation on May 20. At midnight, the United Nations transitional administration will hand over control to the East Timorese government, and the East Timorese will have achieved their long-sought goal of self-determination. A scaled-down UN operation -- including peacekeepers, civilian police, a serious crimes unit and international civil servants -- will remain in East Timor over the next few years.

Due to grassroots and Congressional pressure, United States policy shifted from one of enthusiastic backing of the invasion to support for an independent East Timor:

- (1) As detailed in recently declassified documents, U.S. President Gerald Ford and Secretary of State Henry Kissinger gave Indonesia the "green light" to invade East Timor in 1975. The U.S. was the largest patron of the Indonesian military -- 90% of weapons used in the invasion of East Timor came from the U.S. Since then, the U.S. supplied Indonesia with over one billion dollars worth of military assistance and weapons.
- (2) Congressional and grassroots pressure led to limits on U.S. military training and some weapons transfers to Indonesia and an endorsement of self-determination for East Timor.
- (3) The complete cut-off of military ties with Indonesia by President Clinton in September 1999 was critical to the Indonesian military withdrawal from East Timor and Indonesian agreement to allow an international security force to enter Timor.
- (4) Since then, the U.S. government has given substantial financial assistance to East Timor, and many members of Congress continue to take strong, principled stances supporting human rights, justice, and security for East Timor. A complete accounting for the U.S. role in supporting the invasion and occupation of East Timor has yet to take place.

The new nation faces major challenges: justice remains elusive, government services are haphazard, unemployment is high and economic development is slow, security along the border is tenuous and all refugees who wish to repatriate have yet to do so. The U.S. can have a positive impact on the new country by supporting sustainable, environmentally-sound, and socially-just development. Supporting East Timor at this critical phase is the least the U.S. can do after having supported the Indonesian occupation for decades.

The U.S. must act on the following critical issues now facing East Timor:

#### **1. Justice**

The people of East Timor have yet to see justice for the crimes against humanity, war crimes and genocide committed against them since 1975. In January 2000, the United Nations International Commission of Inquiry on East Timor found the Indonesian military (TNI) responsible for crimes against humanity committed in East Timor in 1999. The UN commission called for the establishment of an international tribunal. In response, the Indonesian government promised to establish its own Ad Hoc Human Rights Court for East Timor, which began hearing cases in March 2002.

Justice for East Timor is being addressed at three levels:

- (1) Indonesian Ad Hoc Human Rights Court for East Timor
- (2) hybrid UN-East Timorese Serious Crimes Investigation Unit (SCIU) in East Timor
- (3) East Timorese Commission for Reception, Truth, and Reconciliation

The Indonesian court is seriously flawed. The court's limited jurisdiction covers only 2 months of a brutal 24-year occupation and only three of East Timor's 13 districts. Under these constraints, only a few mid-ranking officers will be tried, the systematic planning and execution of 1999's devastation will go unexamined, and massacres committed over the previous 23 years will be ignored. These sham trials will not provide justice for East Timor, nor will they prompt reform of the Indonesian military or the

notoriously corrupt Indonesian judicial system. Indonesian prosecutors have not targeted any of the numerous systematic crimes committed against women in 1999, including rape and sexual slavery, as well as widespread forced sterilization during many years of the occupation.

The justice system in East Timor is severely constrained by insufficient staff and funding. Moreover, it does not have access to the high-ranking officers with command responsibility, as well as most of those culpable for atrocities, who reside with impunity in Indonesia. Indonesia has refused all extradition requests by the SCIU, including requests for East Timorese militia leaders currently residing in Indonesia, despite an agreement between Indonesia and the UN.

The East Timorese Commission for Reception, Truth, and Reconciliation is charged with documenting and assessing responsibility for human rights violations committed between 1974 and 1999. It is empowered to request and gather information from victims, witnesses, government officials and agencies in other countries. However, only East Timorese are likely to participate.

Recommended action:

- (1) Only an international tribunal covering 1975 to 1999 can provide full justice for the people of East Timor. The U.S. administration must actively support an international tribunal on East Timor and initiate proceedings in the UN Security Council to pass a resolution establishing such a tribunal. Resolutions in the House and Senate have been introduced calling for such moves, House Concurrent Resolution 60 and Senate Concurrent Resolution 9. Additional co-sponsors are needed to obtain hearings and votes on these bills.
- (2) The U.S. government must assure adequate material and human resources are available to East Timor's judicial system.
- (3) The U.S. Administration should direct pertinent agencies of the executive branch to collect, declassify, and provide information (including from intelligence sources) and appropriate resources on a timely basis to assist the East Timorese Commission for Reception, Truth, and Reconciliation.
- (4) Congress should conduct an investigation into the U.S. role in backing Indonesia's invasion and occupation.

**2. Development and Financing Gap**

Centuries of Portuguese colonial neglect and 24 years of brutal, illegal Indonesian military occupation have left East Timor one of the poorest countries on the planet. East Timor has a 60% illiteracy rate, a per capita gross national product of \$340, and a life expectancy of only 57 years. The infant mortality rate is 135 per 1000 live births, and the maternal mortality rate is twice that of other countries in Southeast Asia and the Western Pacific. The short period of UN administration has barely tackled most of these problems.

Insufficient funds could stand in the way of East Timor's commitment to use its revenues for healthcare and education rather than to service a debt to wealthy states and financial institutions. The government faces a substantial revenue shortfall (a financing gap) in its already lean budget for the first three years of independence. Timorese leaders have publicly affirmed their determination to avoid going into debt, and a "no loans" policy has been put into place. The international community should use this opportunity to take preemptive action to prevent the stranglehold of structural adjustment, loans, and the vicious cycle of poverty that has harmed so many poor nations from putting its deadly grip on the new country. Donor countries and international financial institutions (IFIs) will hold a pledging conference May 14 and 15. The U.S. and other countries should pledge in grants (with no strings attached) enough to cover the gap in its entirety for all three years. Otherwise, East Timor may have no choice but to resort to loans with terms dictated by the IMF, World Bank, and Asian Development Bank.

The Bush administration and other governments have recently stated their commitment to eradicating global poverty. The U.S. now advocates that a large portion of international assistance to poor countries should come in the form of grants.

**Recommended action:**

- (1) The U.S. government should commit to funding 25% of the financing gap for East Timor's first three years with grants free of restrictive macroeconomic conditions. Funding can come from State Department and Treasury Department discretionary funds, as well as money appropriated by Congress. The U.S. administration should coordinate with other donors to ensure the financing gap is fully covered with grants.
- (2) Congress should appropriate at least \$25 million in economic assistance for East Timor in the FY03 Foreign Operations Appropriations Act for important reconstruction and civil society efforts and the provision of vital services like education and healthcare, in addition to money designated for the financing gap.
- (3) The U.S. must work with the United Nations and its members to make sure that the job of preparing East Timor for self-rule is completed. Enough proper expertise and funds must be provided to ensure a smooth transition in government services and to train East Timorese to fully manage their own affairs.

**Pentagon's relationship with Indonesia**

The Pentagon has already succeeded in securing funding for a new Regional Defense Counter-terrorism Fellowship Program, which will likely train Indonesian military personnel, and plans to significantly increase engagement through other means. Important restrictions on military aid to Indonesia in the FY02 Foreign Operations Appropriations Act may be effectively nullified by these actions.

Indonesian armed forces are resisting accountability for atrocities in East Timor and continue to perpetrate systematic human rights violations throughout the archipelago. Murder, rape, and torture of civilians by the TNI and police are a regular occurrence. Rewarding the TNI with US assistance would condone serious rights violations. The United States' most important point of leverage to foster respect for human rights and accountability and encourage military reform – restrictions on U.S.-Indonesia military ties -- may be lost with little or nothing gained.

**Recommended action:**

- (1) Restrictions on US military assistance for Indonesia must be respected and renewed in the FY03 Foreign Operations Appropriations Act.
- (2) The TNI should not receive defense articles, service, training, or other aid under the Regional Defense Counter-terrorism Fellowship Program or any other program at least until the Indonesian military meets Congressional conditions on military restrictions.

**Refugees**

Although repatriation rates recently increased, approximately 55,000 East Timorese refugees continue to live in deplorable conditions in an environment of intimidation in Indonesia. The UN Secretary General has reported that hard-line militia may still pose a long-term threat to East Timor's peace and security. 1,600 of the over 2,000 children separated from their parents in the violence of 1999 through military and militia force or coercion remain separated from their families. Over 160 of the children have been sent to orphanages in Indonesia, where it is reported militia leaders are attempting to indoctrinate them to fight for the "reintegration" of East Timor into Indonesia.

**Recommended action:** The U.S. government must escalate pressure on Indonesia to disarm and disband all militia, hold them accountable to the rule of law, and ensure security along the border with East Timor. The UN must return to West Timor and work to ensure all refugees are able to leave the camps and make a free and informed decision to repatriate to East Timor or resettle in Indonesia. The U.S. government must support prompt reunification of East Timorese children with their parents

**Brief overview of East Timor's history**

1. East Timor was a Portuguese colony for some 400 years.
2. On December 7, 1975, the Indonesian military brutally invaded East Timor, occupying the country until 1999. In the early years of the occupation, the Indonesian military killed one-third of the population – 200,000 people – through murder, forced starvation, and other means. The years of occupation were riddled with massacres, programs of forced sterilization, hunger, and attempts at cultural annihilation. Tens of thousands suffered tremendous hardships to survive and resist the occupation.
3. The November 12, 1991 Santa Cruz massacre – filmed and witnessed by foreign journalists -- sparked a global outcry and a flurry of diplomatic and grassroots activism in support of East Timor.
4. On August 30, 1999, the people of East Timor voted overwhelmingly for independence in a UN-conducted popular consultation. 98.6% of the eligible population participated; 78.5% chose independence despite months of systematic terror and intimidation by the Indonesian military and its militia. After the result was announced, the Indonesian military and its militia retaliated by destroying the country: murdering some 2,000 East Timorese, displacing two-thirds of the population, raping hundreds of women and girls, and destroying over 70% of the country's infrastructure.
5. Since October 1999, the UN has administered East Timor. After independence, the UN will remain in East Timor but on a smaller scale.
6. In August 2001, 91.3% of eligible East Timorese participated in the first democratic, multiparty election for a Constituent Assembly, whose members wrote the country's first constitution. . The Constituent Assembly will become the first parliament after independence.
7. In April 2002, East Timor held its first-ever presidential election. Independence hero Xanana Gusmao won by a landslide. 86.3% of those eligible participated.

**East Timor *Action* Network**  
**PO Box 15774**  
**Washington, DC 20002**  
**202-544-6911**  
**etan@etan.org**  
**www.etan.org**